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WHAT PRICE SURRENDER?
THE COURT-MARTIAL OF GENERAL EDWARD P. KING

BY

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WHAT PRICE SURRENDER? THE COURT-MARTIAL OF GENERAL EDWARD P. KING

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ABSTRACT

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The ethical dilemma faced by Major General Edward P. King, senior officer on Bataan in April 1942, is the subject of this paper. General King surrendered his command to the Japanese in direct violation of his lawful orders. King did this because he believed that to "just follow orders" would have led to the pointless slaughter of his sick, starved and exhausted soldiers, and to heavy loss of life among the civilian population in the area under his control. King expected to be court-martialed for his action. He spent more than three years as prisoner of the Japanese. After the war he returned to the U.S. and retired in 1946. There was no court-martial.

This paper relates the historical record of the battle on Bataan and King's surrender. It then moves from fact to fiction in describing an imaginary court-martial of General King for disobeying his lawful orders.

INTRODUCTION

This is a two-part paper. The first deals with the historical facts surrounding the surrender to the Japanese of United States and Filipino forces on Bataan by Major General Edward P. King, Jr. on April 9, 1942. The second is an imaginary account of General King's court-marital for surrendering his command in violation of his lawful orders. The thesis of the paper is this: there are times and circumstances in which soldiers have the ethical duty to rise above their professional duty of following lawful orders from their superiors. This is one such case.

On that day in April 1942, General King could have chosen to follow orders, as he had done throughout his long and distinguished career. However, he had no doubt that if he had done so, he would have violated his own deeply held moral values. He chose to risk his career and reputation, indeed to risk being viewed a coward in the face of the enemy, rather than order his men to sacrifice their lives for no military gain. Was he right? I believe he was, and I believe he would have been acquitted if the imaginary court-marital described herein actually took place.

THE SURRENDER

The United States began its involvement with the Philippines in 1898, when Commodore Dewey steamed into Manila Bay and destroyed the Spanish fleet during the Spanish-American War. Unwilling to go docilely from domination by one colonial power to another, Philippine independence fighters began a bloody battle against US forces. The struggle, which claimed more than one million Filipino lives, was ultimately unsuccessful. The major fighting ended in 1902, after the leader of the Filipino forces was captured. In 1934 the American Congress passed the Tydings-McDuffie Act, which called for the Philippines to obtain independence after a ten-year interval of self-government. In 1935 the Commonwealth of the Philippines was established.

The United States plan for defending its interests in the Philippines relied on War Plan Orange 3 (WPO-3). In 1940 WPO-3 was the latest in the long series of plans the Joint Army-Navy Boards developed to hold Manila Bay as long as possible, that being the primary mission of the Philippine garrison.¹ WPO-3, which was completed eight months before the Japanese attack on Pearl Harbor, correctly identified the future enemy as Japan. However, it incorrectly forecast that the conflict would be a relatively simple two-sided one, rather than a multi-theater war. The tactical elements of the plan were sound, and it correctly predicted that the attack would come without sufficient warning and that the blow would be struck in either December or January.²

WPO-3 did not call for the defense of all of the

Philippines. The plan's architects envisaged the defense of central Luzon, the largest island. If that failed, WPO-3 called for a withdrawal of forces to the Bataan peninsula, where Filipino and American (Filamerican) forces "would hold out to the last extremity."³ The plan envisioned a defense of six months' duration, by the end of which the United States Navy was to have brought in reinforcements.

Douglas MacArthur, who had been recalled to active U.S. Army service in July 1941, viewed the WPO-3 plan as "defeatist."⁴ Having served as Field Marshal of the Philippine Army from 1935 until his recall, MacArthur disparaged WPO-3 because it contradicted his vision of actively defending the Philippines at water's edge. On November 21, 1941, 16 days before Pearl Harbor, Army Chief of Staff Marshall agreed to MacArthur's plan for defending the Philippines on the beaches.

MacArthur's decision to abandon WPO-3 led to the movement of weapons, ammunition and other supplies away from the Bataan area to military installations throughout Luzon for use in the defense of the beaches. Key to the success of the "on the beaches" defense was having adequate time to effectively train and equip the Filipino forces, who were to form the backbone of the defense forces. On November 25, 1941, MacArthur told General Jonathan Wainwright, whom he had charged with the defense of North Luzon, that he would probably have until the spring of 1942 to train the newly formed Filipino forces he would command.⁵

MacArthur was wrong. The day after he spoke to Wainwright

Japanese naval forces sailed from Japanese ports for their attack on Pearl Harbor.

However, even if the Japanese had waited until the spring of 1942 to invade the Islands, it was by no means certain that the United States-led Filipino forces could have put up much of a defense against the battle-hardened Japanese. Wainwright knew that the minimum time it took to train a division in the United States Army was a year, and that assumed suitable training conditions and the requisite equipment and instructors.⁶

The eminently successful Japanese attack on Pearl Harbor caught the American military flatfooted. "The American high command had never dreamed the Japanese could even mount an independent carrier striking force. They also never imagined the Japanese would be 'stupid enough' to attack Pearl Harbor."⁷

In the Philippines, MacArthur received word of the attack at 3:30 a.m. on December 8, Manila time. He was notified when his chief of staff, Brigadier General Richard K. Sutherland, heard about the attack from commercial broadcasts. A series of misunderstandings, miscommunications and uncertainty about whether or not the United States was to wait for the Japanese to strike the Philippines first set up the Americans for another surprise attack. Half of MacArthur's Far East Air Force, mostly B-17 bombers, were destroyed on the ground at Clark Field, about 50 miles north of Manila, nearly 10 hours after the first bombs fell on Pearl Harbor. The attack against Clark Field eliminated in a matter of minutes the Far East Air Force as an effective

fighting force, and gave the Japanese air superiority over Luzon.

Two days later, at dawn on December 10, Japanese ground forces under the command of Lt. General Masaharu Homma came ashore near Aparri and Vigan in northern Luzon. FilAmerican opposition was totally ineffective. The Japanese moved south easily to prepare for the linkup with the main force that was soon to land at Lingayen Gulf, 110 miles north of Manila. During this time other small landings occurred on Luzon and in the southern Philippines, in Mindanao and the Sulu Archipelago.

The major landings came on the morning of December 22 at Lingayen Gulf. The landings did not surprise the high command in the Philippines, since "it was the logical place to land a large force whose destination was Manila."⁸ Despite receiving timely warning of the presence of at least 100 vessels 40 miles north of Lingayen Gulf, the FilAmerican forces were ill-prepared to repel the invaders.⁹ Within a few hours after coming ashore, the Lingayen invasion force was able to consolidate its position. Opposition from the defenders was ineffectual.

The next day, December 23, General MacArthur abandoned his plans to defend the islands on the beaches and "decided that he would have to fall back to Bataan and fight a delaying action until help could arrive."¹⁰ The failure of the poorly trained and ill-equipped Filipino forces to stop the Japanese was the main reason for the change in plans. "General MacArthur, viewing the broken, fleeing North Luzon Force," wrote Colonel Collier, a sympathetic observer, 'realized that his cherished

plan of defeating an enemy attempt to advance toward Manila from the north was not now possible.'"¹¹

So WPO-3, which MacArthur had discarded the month before as "defeatist," now became the heart of his defense strategy. However MacArthur's decision to battle the invaders on the beaches had invalidated WPO-3. When the Japanese invaded, supplies and equipment were moved forward to support the troops at the front. "Full-scale movement of supplies to Bataan did not begin until the decision was made on 23 December to withdraw to Bataan. By that time the number of troops to be supplied during the siege of Bataan had increased from the planned 43,000 to almost 80,000, in addition to about 26,000 civilians who had fled to Bataan to escape the invading army. Moving to Bataan enough food and supplies to keep so large a force in action for a period of 180 days would have been extremely difficult under the most favorable circumstances. To accomplish it in about one week, during the confusion of war and retreat, proved to be an impossible task."¹²

The Japanese advance southward from the landing beaches on Lingayen Gulf was swift. "In the brief period of seven days, from Christmas Eve to the year's end, there had been a radical change in the situation in northern Luzon. The Japanese, who on 24 December had just secured their beachhead, now threatened Manila and the road net into Bataan."¹³ Just 16 days after their landings at Lingayen Gulf the Japanese had driven the retreating American army into the Bataan peninsula. So began what was to

become three months of siege and battle that would lead to the surrender of "more men than have ever been yielded up by any other American general."¹⁴

Although the defenders did not then know it, their fate had already been sealed before they had reached their redoubt. "Ahead of them were long, dreary months of starvation and hard fighting before they would be herded into prison camps. At least they could hope that help was on the way. Only General MacArthur and his immediate staff knew the worst."¹⁵

The reason that no relief expedition would be sent to the Philippines was the belief by the War Plans Division of the General Staff, arrived at during the first week of January 1942, that "the forces required (to come to MacArthur's rescue) could not be placed in the Far East in time." ". . . the War Plans Division went on to point out that the dispatch of so large a force would constitute 'an entirely unjustifiable diversion of forces from the principal theater - the Atlantic.'"¹⁶

That being the case, it would be just a matter of time until the well-supplied Japanese forces, with virtually unchallenged air and sea superiority, ground down the defenders, relying as much on malnutrition and disease as on bullets, bombs and bayonets to overwhelm the defenders.

The Japanese commenced the battle of Bataan at 1500 hours on January 9. Results were mixed. The defenders, unaware that reinforcements and resupply would never arrive, fought gallantly. Early Japanese gains were challenged by FilAmerican

counterattacks. The appearance of General MacArthur near the front on January 10 (his only visit to the peninsula) boosted morale.

Although the Japanese were able to push the defenders back from their initial defensive line, the FilAmerican forces succeeded in destroying several amphibious landings behind their lines and a number of "pockets" of Japanese infantry trapped behind the main line of resistance. Stung by the surprising strength of the FilAmerican resistance, Homma ordered his forces on Bataan to withdraw to defensive positions and await reinforcements needed for the next offensive. FilAmerican morale had rebounded, and some commanders pushed the Japanese back to the original defensive line. Any thoughts of moving to a general offensive, however, were "strategically unsound. The proper task for the front-line troops was to strengthen their defenses in hope that when the next Japanese attack came it could be turned back as had the last."¹⁷ By the end of February a lull had settled over the peninsula "as both sides prepared for the final assault."¹⁸

Even while the troops' morale soared, "the decision was reached in Washington, presumably early in February, ... that (General MacArthur's) services were too valuable to be sacrificed in a hopeless cause, that he must be rescued to lead other forces in the war against Japan."¹⁹ MacArthur felt very strongly that he should remain in the Philippines and fight "'to destruction' on Bataan and then do the same on Corregidor. 'I do not have the

slightest intention in the world,' he told the President, 'of surrendering or capitulating the Filipino element of my command. . . . There has never been the slightest wavering among the troops.'"²⁰ Nevertheless, Roosevelt ordered MacArthur to proceed to Australia to assume command. MacArthur's first reaction was to draft "a blunt refusal note."²¹ However, members of his staff convinced him that he would eventually be compelled to heed the order, and that "if he persisted in his refusal . . . he would face court-martial charges."²² On March 12 MacArthur, his wife and son and key members of his staff left Corregidor for Australia. Jonathan Wainwright was promoted to Lieutenant General and was named by Chief of Staff Marshall to be commander of U.S. forces in the Philippines.²³ "Wainwright's elevation to the highest command in the Philippines left vacant the post of commander of the Luzon Force, created only ten days earlier. To fill this vacancy Wainwright selected Maj. Gen. Edward P. King, Jr."²⁴

King assumed command of the 79,500-man Luzon Force²⁵ on March 21, 1942, a few days after the weeks-long lull in fighting had ended. By April 1 the combat efficiency of the malnourished and disease-ridden forces under King "was rapidly approaching the zero point."²⁶ On April 5, Easter Sunday, General Homma's troops had penetrated the American line and destroyed two Philippine Army divisions. "Only a successful counterattack, or an unexpectedly strong stand by a foe already reduced to near impotence by starvation and disease, could deprive him (Homma) of

the long-delayed victory."²⁷

The counterattack was launched on April 6 and failed quickly. King's forces disintegrated on April 7.²⁸ April 8 was a day of chaos behind the collapsing lines. At 2330 on April 8 "General King received fresh orders from Corregidor directing him to launch an offensive . . ."²⁹ These orders were issued by Wainwright, who "was merely carrying out his orders from General MacArthur, who, on 4 April, had instructed him to 'prepare and execute an attack upon the enemy . . .'"³⁰

Instead, General King surrendered his command to the enemy on April 9, 1942, in violation of his orders to attack and not to surrender under any circumstances. Less than a month later, on May 6, 1942, General Wainwright surrendered all the remaining U.S. and Filipino forces, although he did so with the acquiescence of his superiors.³¹

General King believed that he would be court-martialed after the war for his actions on April 9, 1942³².

THE COURT MARTIAL

At this point the story shifts from historical fact to speculation of what might have happened if King had been court-martialed instead of returning quietly to America after the war and retiring from active duty in 1946.

General King was correct. Shortly after his return to the United States following Japan's surrender, King was officially notified that his actions in the Philippines on April 9, 1942 would be the subject of a Court of Inquiry. In October 1945 he was informed that he would be court-martialed.

The question of whether or not to court-marital King had been the subject of heated debate in the weeks immediately following VJ-Day. General Marshall believed that no good purpose would be served by dredging up the embarrassing collapse of United States forces in the Philippines. He and others felt that General King had been humiliated sufficiently by surrendering to the Japanese, and that he had suffered hardship and privation as prisoner of the Japanese for more than three years, including permanent physical injury. Also, there was concern about whether the public would perceive inequality or capriciousness in the Army's treatment of General King when compared to that accorded General Wainwright. Wainwright, after all, had surrendered to the Japanese less than a month after King. However, at war's end he had been whisked from captivity to stand at MacArthur's side during the Japanese surrender ceremony aboard the battleship

Missouri. He was then promoted to full general and flown to Washington to receive the Congressional Medal of Honor from President Truman, followed by a ticker tape parade in Manhattan.

Those concerns were overcome by strong pressure from General MacArthur for a court-marital. MacArthur was determined that King be held accountable in order to punish him personally for his actions and to send a message to the Army that disobedience at any level, especially in the face of the enemy, would not be tolerated,

Prosecutors preferred two charges against General King. The first, under Article of War 64,³³ alleged that King, having received a lawful command from then-Lieutenant General Wainwright, his superior officer, to attack enemy forces and not to surrender his command, did on the Bataan peninsula, on or about April 9, 1942, willfully disobey the same. The second, under Article of War 75,³⁴ alleged that General King did, on or about April 9, 1942, misbehave himself before the enemy, by refusing to advance with his command, which had then been ordered forward by then-Lieutenant General Wainwright to engage with Japanese forces, which forces, the said command was then opposing.

The nation's news media reported extensively on the court-marital of Major General King. The court-marital commenced on November 12, 1945 in Washington, D.C. President of the court-marital was Lieutenant General Arthur Powell. The Trial Judge Advocate, who would prosecute the case, was Colonel Howard

Sargent. King's defense counsel was Colonel Gerald Eubanks, who had acquired years of experience as a trial lawyer in Wisconsin before being called to duty in 1942.

General King pleaded not guilty to both charges. The defense faced a challenging task. The testimony that the prosecution was expected to introduce to support its case was formidable. But what worried Colonel Eubanks more was the fatalistic resignation that General King evinced about the entire process. King believed in his heart that he had done the right thing by surrendering. However, he knew that he had directly disobeyed his orders in doing so. At times during the trial King would exhibit the "no spirit - mentally sick"³⁵ behavior he displayed during his years as prisoner of the Japanese.

Eubanks had planned to begin the case by vigorously contesting the manner in which the charges had drawn up and communicated to General King. King would not hear of it, however. He instructed Eubanks to proceed expeditiously with his defense, giving the defense counsel the feeling that King wanted to end the embarrassment of the court-marital as quickly as possible. Despite Eubanks' entreaties to King that he be allowed to present the best defense of his client that he could, King was adamant and instructed his counsel to avoid delaying the trial. Eubanks acquiesced.

The War Department's case against General King was straightforward. He had received direct orders from his immediate superior and, in the face of the enemy, had

deliberately disobeyed them. The prosecution would call just a dozen witnesses to present the evidence which substantiated their charges. The most newsworthy of them by far was General Jonathan Wainwright, who took the stand on November 19.

Observers thought that General Wainwright's sobriquet, Skinny, fit the man's appearance exactly. Slender all his life, Wainwright was emaciated by August 1945, less than four months before, when he was freed from Japanese captivity. He had not managed to put on very much weight in the intervening months.

General Wainwright was sworn in and took his seat in the witness chair. Responding to questions from the prosecutor, he explained how he came to be assigned to the Philippines in late 1940 as commander of the Philippine Division with the temporary rank of major general. Wainwright described his charge was to train the 7,500 men under his command, the vast majority of them Filipinos, into an effective fighting force.

Patiently answering questions from the prosecution, General Wainwright related how he became subordinate to Douglas MacArthur in July 1941 when the latter was placed on active duty and was assigned command of all United States Army Forces in the Far East. He recounted the changing mood in the Philippines in the spring of 1941 when "the sparkle went out of Manila."³⁶ Wainwright told of bidding farewell to his wife in May 1941, as she boarded the last vessel taking dependents back to the U.S. as part of the War Department's evacuation order.

The witness told of being given the command of the North Luzon force by General MacArthur. He sketched out the broad defense plan of the Philippines, based originally on WPO-3 but subsequently changed by MacArthur to a defense-of-the-beaches strategy, with which Wainwright agreed. The General then described the rout of his poorly trained and equipped forces by the Japanese invaders. The training and shortage of supplies of some artillery units, Wainwright said, were such that they never fired a practice shot, the first shot being fired at the approaching enemy.³⁷

Colonel Sargent, the prosecutor, quickly led Wainwright through the first weeks of fighting on Luzon. Wainwright opined that his inability to train and equip his Philippine Division led to MacArthur's decision to abandon the plan to defend the Philippines on the beaches. Sunset on January 6, 1942 found the FilAmerican forces withdrawn to the northern end of the Bataan peninsula, preparing for the defense that WPO-3 indicated would last for six months.

Wainwright said he put his men on half rations as soon as they got to Bataan. Half rations, he added, were "hardly enough to keep body and soul together."³⁸ Despite their valor, his forces were eventually pushed back as tropical disease, inadequate food and dwindling supplies of ammunition took their toll. On March 12, 1942 Wainwright told of being summoned by MacArthur, who told him that he had been ordered to Australia by the President. MacArthur left Wainwright in charge of all Luzon

units, but still answerable directly to him in Australia. Wainwright then told of learning on March 21 that he had been promoted to Lieutenant General and named commander in chief of U.S. Forces in the Philippines (USFIP). Shortly after hearing that bit of good news Wainwright said he moved into MacArthur's former headquarters in Malinta tunnel on Corregidor and gave King, as next senior officer, command of Luzon Force.³⁹

The former USFIP commander's voice lowered as he described the period immediately prior to General King's surrender.

Japanese attacks during the first days of April had torn holes in the middle of FilAmerican forces. The defenders, he said, were "malarial men with not enough food in their bellies to sustain a dog."⁴⁰

The situation of the defenders became critical on April 7 when Wainwright said he was visited by Brigadier General Arnold J. Funk, King's chief of staff. "General," he told me, "General King has sent me here to tell you that he might have to surrender."⁴¹

The prosecutor then asked Wainwright what he had told Funk. I told him, Wainwright testified: "General, you go back and tell General King that he will not surrender. Tell him he will attack. Those are my orders."⁴² General Wainwright added that his decision was a difficult one, "but stronger than the pity I felt were MacArthur's words, in a message that lay on my desk: 'When the supply situation becomes impossible there must be no thought of surrender. You must attack.'"⁴³

"What were your last words to General King?" Sargent inquired. "I ordered him to launch a counterattack at dawn," Wainwright responded. "When did you send that order to him?" asked the prosecutor. "At 0300 April 9." "And what happened next?" Sargent asked. "At about 0600 my night duty officer told me that King had offered to surrender to the Japanese," Wainwright said. "What was your reaction?" "I was shocked. 'Go back and tell him not to do it,' I shouted," said Wainwright, agitated. "Were you able to stop the surrender?" Sargent asked. "No." No further questions, announced the prosecutor.⁴⁴

If General Wainwright was the star witness for the prosecution, General King earned that billing in his own defense. General King took the witness stand on Monday, November 26, after the four-day Thanksgiving recess. Looking older than his 61 years, King hobbled to the witness stand with the aid of a cane. He had suffered a permanent hip injury while a prisoner of the Japanese.

As prosecutor Sargent had done with Wainwright, defense counsel Eubanks commenced his questioning by asking King to describe his posting to the Philippines. King said that the Philippines was his first assignment as a general officer. In December 1941, he pointed out, he was MacArthur's artillery officer and was the second ranking ground officer, after General Wainwright himself.

Eubanks asked King to describe the FilAmerican forces that had organized to defend Bataan in early January 1941. King said

that the Philippine Army troops came into their own on Bataan, having overcome the first weeks of the fighting when many units collapsed when Japanese forces closed on them. The bottom line for King was that Filipinos were brave and hardy fighters, superb soldiers when properly trained and led.⁴⁵

When Eubanks inquired why the Japanese forces were able to push the defenders down the Bataan peninsula sooner than the six months envisioned in WPO-3, King said essentially what Wainwright had said the week before. The troops were weakened by starvation, disease and tropical heat. They ate their cavalry horses and pack mules; then they ate dog, iguana, monkey and snake. The walking skeletons that were his soldiers suffered from beriberi, scurvy, dysentery and hookworm. Three-quarters of them had malaria and the quinine needed to treat it, like almost every other crucial supply, was in short supply.⁴⁶

"Describe to the court," Eubanks asked King, "the conditions during the few days before you gave the order to surrender." King rubbed his face, and told the court of the events which led to surrender. In response to a fierce attack by Homma on April 3, King launched a counterattack on April 6. However, it failed completely when it ran into the attacking Japanese. "Why was that?" asked Eubanks. King explained that the men he ordered to counterattack that day were exhausted, that they responded to his call to move forward out of instinct rather than ability. He added that he had asked his staff what percentage of his forces was effective that day. Eubanks interrupted to ask King to

define "effective." Effective, King explained, defined any soldier who could carry his weapon 100 yards and still shoot it. King said that he was told that only about 15 percent of his troops, in units that were still cohesive, could meet that standard.⁴⁷

"Continue, please," prompted Eubanks. King said that the break in the lines caused by the Japanese offensive was such, and his forces were so exhausted, that his lines continuously broke and reformed. However, they always reformed closer to the hospital near the tip of the peninsula where thousands of wounded were receiving treatment. "I concluded," King declared, "that regardless of what I ordered my forces to do, the Japanese would be in Mariveles (the southern tip of Bataan) by nightfall on April 9, and that would be the end of Bataan and the death of the army."⁴⁸

There was a lull. Then Eubanks asked King to tell the court what happened next. "I ordered," King stated "the destruction of all items that might be of use to the enemy. At midnight on April 9," he continued, "I called my staff together and told them that I was sending a flag of truce at daybreak to ask for terms of surrender."

"What was their reaction?" asked Eubanks. King said in a firm voice: "I did not ask for their reaction because I did not want them to have any part of the decision I felt compelled to make. I told them that I had not communicated with General Wainwright either, because I did not want him to be forced to

assume any part of the responsibility."

"Tell the court the reason for your decision," said Eubanks.

"I felt," King testified, looking directly at the members of the court-marital panel, "that further resistance would only waste human life without achieving any military objective. Already the hospital was within range of enemy light artillery, and we had no means of organized resistance. I believed that if I did not surrender, Bataan would be known as the greatest slaughter in history. I could not have that on my conscience"⁴⁹

King's testimony closed with his recounting the humiliating surrender process with the arrogant and truculent Japanese, his futile attempts to gain assurances from them that his men would be well-treated, becoming their prisoner first in the Philippines and later in Formosa and Manchuria. General King said that he had been General Wainwright's roommate during 36 of the 40 months he was held captive.⁵⁰

When Eubanks concluded his questioning of the witness, Colonel Sargent began the cross examination. "General King, please tell the court when was it you told General Wainwright of your decision to surrender." King replied: "At about 0600 on April 9. I spoke to General Wainwright's headquarters. General Wainwright was not available, so I spoke to General Beebe at Wainwright's headquarters, and told him that I had decided to surrender Bataan."

"What happened next?" asked Sargent. King said: "I got a call from Lieutenant Colonel Traywick, the night duty officer."

"What did he say," inquired Sargent. "He told me," replied King, "that Wainwright said not to surrender." "What was your reply," asked the prosecutor. King replied: "I told him that it was too late, because I had already sent several officers bearing white flags to establish contact with the Japanese."

"General King," inquired Sargent, "were you aware that you were disobeying direct lawful orders from your immediate superior when you decided not only not to attack the advancing Japanese but to surrender your command?" King looked the prosecutor in the eye and said: "Yes, sir. I knew my decision was in violation of my orders, but I . . ." Sargent interrupted King's response and told the court he had no further questions.

Eubanks stood and on redirect asked King to explain to the court the motives for his actions. King looked at Sargent and at the members of the panel and then made the following statement: "As the commander in the field, it was my clear estimate that the forces under my command, ravaged by malnutrition and disease for the previous three months, could not prevent the Japanese forces from completely overrunning Bataan by 2100 on April 9. The orders I received via General Wainwright from General MacArthur in Australia were as removed from reality as those issued from the bunker in Berlin earlier this year. They had nothing to do with reality.

"The brave men and women under my command were exhausted. The broadcasts they had heard so often about help being on its way from the U.S. were without substance, and soon became the

subject of ridicule by the very men who earlier counted on them for some hope of salvation.

"Let me try to paint a picture for you of the men I would have been ordering to attack the invading Japanese. These men were totally exhausted, spent. The majority of them had had no rest in a rear area since the first Japanese attack on December 8. Those who were moved to the rear were subject to bombing and artillery attacks. As General Wainwright has already told the court, they were on half rations since they arrived at Bataan in early January. Our medical officers estimated that a soldier received approximately 2,000 calories a day in January 1942. That figure dropped to 1,500 in February and then to 1,000 in March. The Luzon force surgeon estimated that a soldier in the field in Bataan needed between 3,500 and 4,000 calories per day. Malnutrition had caused the troops to be especially vulnerable to even the most minor ailment.⁵¹

"As bad as the malnutrition situation was, the consequences of malaria were worse. By the end of March nearly 1,000 men per day were being admitted to our hospitals, and 75 to 80 percent of the men in front-line units had the disease."⁵²

Finally King described the men's morale. "General MacArthur's January 15, 1942 address was 'a promise of aid and a call to valor,'⁵³ that boosted morale significantly. But morale suffered a body blow when the men listened to President Roosevelt's fireside chat of February 22 in which they heard no words about relief for the defenders of Bataan. The departure

of MacArthur for Australia on March 12 was the clearest indication to many of the defenders that the Philippines had been written off, at least in 1942. U.S. veterans of W.W.I saw MacArthur's departure as a sure sign that reinforcements would never arrive.⁵⁴

"If I had followed General MacArthur's orders, I would have been a participant in a folly that would have cost the lives of thousands of these soldiers and would not have made any difference in the military outcome. As much as I abhorred disobeying my orders, to have obeyed them would have been far worse. I did my duty to my country as I saw that duty. I did my best for my soldiers, men who had fought, suffered and died long after the last hope for relief had disappeared."

That concluded testimony in the court-marital. At that point, Colonel Eubanks entered several exhibits, which the defense contended, exculpated General King of any wrong doing. The most telling was the April 8 telegram, transmitted under the signature of Chief of Staff Marshall, and explicitly approved by President Roosevelt, to MacArthur. That message proposed a modification of the "no surrender in the Philippines" order sent to MacArthur by the President in February 1942.

Given the developments on Bataan in early April 1942, Roosevelt had been advised by Major General Joseph T. McNarney, acting in Marshall's absence, that "It is now possible that in the literal execution of these (no surrender) orders General Wainwright may be tempted to carry them through to an illogical

extreme. I think there should be no doubt of his resolution and sense of duty will preclude any untoward or precipitous action, but on the other hand, it is possible that greater latitude in the final decision should be allowed him.⁵⁵

The President authorized the message which changed Wainwright's orders "because of the state to which your forces have been reduced by circumstances over which you have had no control."⁵⁶ This message was sent to MacArthur in Australia "with instructions that it be forwarded to Corregidor if he, MacArthur, concurred 'both as to substance and timing'"⁵⁷ MacArthur did not pass the message on because "the action taken on Bataan anticipated the authority conveyed in the message."⁵⁸ The President subsequently repeated it directly to Wainwright, adding "Whatever decision you have made has been dictated by the best interests of your troops and of the country," and assured him "of complete freedom of action" and "full confidence in any decision he might be forced to take."⁵⁹

Both sides made closing arguments to the court on December 4. The prosecution contended that, regardless of the horrible conditions King found on Bataan, and regardless of the decision made by the President to modify the "no surrender" orders, King was guilty of disobeying his lawful orders and misbehaving himself in the face of the enemy.

In summing up, the defense told the court that there were situations in which an officer had the moral duty to rise above his professional duty, even if that caused him to disobey his

orders. General King encountered such a situation on Bataan in April 1942, and he made the extremely difficult but correct decision to obey his conscience and not his orders, which would have led to meaningless slaughter of his men and the achievement of no military gain. General King had the wisdom and high moral courage needed to disobey an illogical order that was unrealistic and out of touch with conditions in the field. He did the right thing. He was among the heroes of Bataan.

The court found General King "not guilty" on both charges on December 6, 1945.

Endnotes:

1. Louis Morton, United States Army in World War II: The War in the Pacific: The Fall of the Philippines (Washington: US Government Printing Office, 1953), 352.
2. John W. Whitman, Bataan: Our Last Ditch (New York: Hippocrene Books, Inc., 1990), 13.
3. Ibid.
4. Ibid., 15.
5. Jonathan M. Wainwright, General Wainwright's Story (Garden City, NY: The Country Life Press, 1945, 1946), 13.
6. Ibid., 15.
7. John Toland, But Not In Shame: The Six Months After Pearl Harbor (New York, Random House, 1961), 41.
8. Morton, 455.
9. Ibid., 131.
10. Ibid., 161.
11. Ibid., 163.
12. Ibid., 254.
13. Ibid., 288.
14. Thaddeus Holt, "King of Bataan," (MHQ, Winter 1994), 32.
15. Morton, 242.
16. Ibid., 240.
17. Ibid., 352.
18. Ibid.
19. Ibid., 353.
20. Ibid., 355.
21. Ibid., 357.
22. Ibid.

23. Ibid., 360-365. When MacArthur left Corregidor he reorganized the U.S. forces remaining in the Philippines into four distinct units, each reporting to him at his headquarters in Australia. Washington was not informed of this command structure. When Chief of Staff Marshall learned of it, he convinced President Roosevelt to overrule it. The President made it clear to MacArthur on March 22 that Wainwright would be the commander in the Philippines.

24. Ibid., 365.

25. Ibid., 405. Seventy-five percent of these men were Philippine Army troops. The remainder were Philippine Scouts (8,000) and Americans (12,500).

26. Ibid., 404.

27. Ibid., 431.

28. Ibid., 442.

29. Ibid., 452.

30. Ibid.

31. Ibid., 562.

32. Holt, 42.

33. U.S. War Department, A Manual for Courts-Martial, U.S. Army 1928, 218.

34. Ibid., 221.

35. Holt, 42.

36. Wainwright, 9.

37. Ibid., 15.

38. Ibid., 48

39. Holt., 35.

40. Wainwright, 76.

41. Ibid., 79.

42. Ibid., 79.

43. Ibid.

44. Ibid., 81-82.

45. Holt, 34.

46. Ibid., 35.

47. Ibid.

48. Ibid., 38.

49. Ibid., 40.

50. Major General Edward P. King, Jr., U.S.A. "Wainwright
Aide Tells Story; Says Abuse Stirred Hatred," New York Times, 21
September 1945, sec. I, p.1.

51. Morton, 377.

52. Ibid., 378.

53. Ibid., 387.

54. Ibid., 389.

55. Ibid., 563.

56. Ibid.

57. Ibid.

58. Ibid.

59. Ibid.

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